

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAMONTE BERTUCCI, JR.,

Defendant.

8:08CR211

ORDER

Defendant Lamonte Bertucci, Jr., (Bertucci) appeared before the court on January 15, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 80). Bertucci was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Bertucci waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Bertucci should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Bertucci declined to present any evidence but offered a proffer concerning his present circumstances. Since it is Bertucci's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Bertucci has failed to carry his burden and that Bertucci should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:00 a.m. on March 11, 2014**. Defendant must be present in person.
2. Defendant Lamonte Bertucci, Jr., is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 15th day of January, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge